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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF RAKESH KILARU
IN SUPPORT OF DEFENDANTS'
MOTION FOR ADMINTISTRATIVE
RELIEF FOR LEAVE TO CONDUCT
SUPPLEMENTAL DEPOSITION OF DR.
DANIEL RASCHER**

Trial Date: 2025-01-27
Judge: Hon. Claudia Wilken

1 I, Rakesh Kilaru, declare as follows:

2 I am a partner at the law firm of Wilkinson Stekloff LLP and represent the NCAA Defendant
3 in this litigation. I submit this declaration in support of the Defendants' Motion for Administrative
4 Relief for Leave to Conduct Supplemental Deposition of Dr. Daniel Rascher. I have personal
5 knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify
6 competently thereto. I am admitted pro hac vice to practice before the United States Northern District
7 of California in this litigation.

- 8 1. In support of their reply brief on class certification, Plaintiffs filed a second report by Dr. Daniel
9 Rascher on July 21, 2023. *See* Rascher Class Cert. Reply Report, ECF No. 290-2 (Reply Rpt.).
- 10 2. On July 27, 2023, counsel for Defendants requested that Plaintiffs make Dr. Rascher available
11 for a supplemental deposition on the basis that Dr. Rascher's reply report goes beyond the scope
12 of proper rebuttal.
- 13 3. The parties met and conferred over the course of the next week, including by phone on August
14 2, 2023.
- 15 4. Plaintiffs did not agree to produce Dr. Rascher for a supplemental deposition, asserting that Dr.
16 Rascher's reply report was within the proper scope of rebuttal.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 EXECUTED on this 9th day of August 2023 in Washington, D.C.
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Dated: August 9, 2023

Respectfully Submitted,

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